

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

JAMES DENNIS SMITH, JR.

Defendant.

Civil Action No.

3:17-640-MGL

**Consent Preliminary Order of Forfeiture**

James Dennis Smith, Jr. having pled guilty to Counts One and Two of the Indictment, pursuant to which the United States sought forfeiture of certain property under 21 U.S.C. § 853, and the Court having determined that the property described below is subject to forfeiture pursuant thereto, that the Defendant's acknowledgements and the record show that the requisite nexus exists between said property and the offense charged in pled guilty to Counts One and Two of the Indictment;

IT IS HEREBY ORDERED that James Dennis Smith, Jr. shall forfeit to the United States the following property:

1. The .223 caliber Spike's Tactical Model ST15 Pistol bearing serial number NSL061243;
2. The 12 gauge Heckler & Koch Model M1 Super 90 Shotgun bearing serial number M073367;

3. The .556mm/.223 caliber CMMG Model MOD4 SA Pistol bearing serial number SA0692;
4. The .357 caliber Ruger Model LCR Revolver bearing serial number 546-06034;
5. The 9mm SIG Sauer Model P228 Pistol bearing serial number B24888;
6. The .45 caliber Heckler & Koch (H&K) Model USP Compact Pistol bearing serial number 29-012085;
7. The 12 gauge Benelli Model Black Eagle Shotgun bearing serial number F029326;
8. The 7.62 mm FN Model SCAR17S Rifle bearing serial number HC25588;
9. The 5.56 SIG Sauer Model P556 Pistol bearing serial number TP002247;
10. The 12 gauge Kel-Tec Model KSG Shotgun bearing serial number XDT66;
11. The .357 caliber Smith & Wesson Model M&P Revolver bearing serial number CUW1056;
12. The 9mm Glock Model 19 Pistol bearing serial number VEV871;
13. The 9mm Glock Model 19 Pistol bearing serial number VEV877;
14. The 9mm Glock Model 19 Pistol bearing serial number BBBW683;
15. The 9mm Glock Model 19 Pistol bearing serial number ABYD636;
16. The Beretta shotgun bearing serial number M32810B;
17. The Sterling 9mm bearing serial number 52628;
18. The AK47 rifle bearing serial number 1981KM11560;
19. The Dragonov (upper Receiver) bearing serial number 300355;

20. The Remington 870 12 gauge shotgun seized at 905 Townsend Street in Ada, Oklahoma, on September 19, 2017; and

21. All ammunition seized in connection with this case.

IT IS HEREBY ORDERED that upon entry of this order, the United States Attorney General, or his designee, is authorized to seize and enter the property in accordance with Fed. R. Crim. P. 32.2(b)(3).

The United States shall publish notice of this Order and its intent to dispose of the property in accordance with Fed. R. Crim. P. 32.2(b)(6) and in such a manner as described in Supplemental Rule G(4)(a)(iii) and (iv) of the Federal Rules of Civil Procedure. The United States shall send written notice, in accordance with Supplemental Rule G(4)(b)(iii)-(v), to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the above-listed property in the ancillary proceeding.

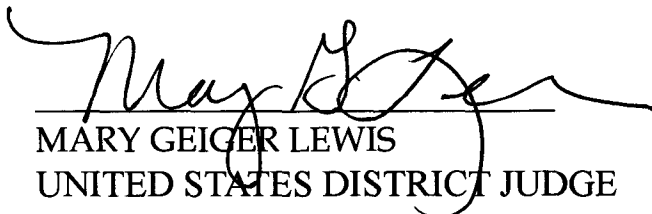
Pursuant to 21 U.S.C. § 853(n)(2), if any person, other than the named Defendant, asserting a legal interest in the property may within thirty days of the final publication of the notice or their receipt of the notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of their alleged interest in the property and for an amendment to the order of forfeiture. Any petition filed by a third party asserting an interest in the property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title, or interest, and any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

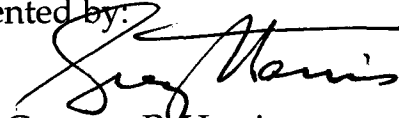
The United States shall have clear title to the property following the Court's disposition of all third-party interests or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of the third-party petitions. The Court shall retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS FURTHER ORDERED that, pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture is hereby final as to the Defendant. If no third party files a timely claim, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED this 22<sup>nd</sup> day of May, 2019.

  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE


Consented by:



Gregory P. Harris

Counsel for James Dennis Smith, Jr.

Presented by:

A handwritten signature in cursive script, appearing to read "Sandra E. Strippoli".

Sandra E. Strippoli  
Special Assistant United States Attorney